

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GARY JOE HARRISON,)	
)	
Petitioner,)	
)	NO. 3:08 CV 560 JM
vs.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Gary Joe Harrison, a *pro se* prisoner, filed a notice of appeal, along with an application for a certificate of appealability and an *in forma pauperis* petition. Harrison is appealing from the denial of his habeas corpus petition challenging a prison disciplinary proceeding. Because “the requirement of a CA imposed by 28 U.S.C. § 2253(c)(1)(A) does not apply to a state prisoner’s action under § 2254 that challenges the result of a prison disciplinary hearing” *Walker v. O’Brien*, 216 F.3d 626, 639 (7th Cir. 2000), a certificate of appealability is unnecessary in this case and the motion will be denied. Pursuant to 28 U.S.C. § 1915(a)(3), “An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” Substantively, this appeal is not taken in good faith for the reasons stated in this court’s order denying habeas corpus (DE 7). For the foregoing reasons, the court **DENIES** the application for a certificate of appealability (DE 9) and **DENIES** the *in forma pauperis* petition (DE 10).

SO ORDERED.

DATE: February 18, 2009

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT